

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

NORMA HERNANDEZ,

Plaintiff,

VS.

JPMORGAN CHASE BANK, N.A.,

Defendant.

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CIVIL ACTION NO. C-10-398


**ORDER OF REMAND**

On January 7, 2011 the Court held a phone conference in the above-styled action. This action was removed to this Court from the 148th Judicial District Court of Nueces County Texas on the basis of diversity of citizenship, 28 U.S.C. § 1332. During the phone conference, counsel for Plaintiff stipulated that Plaintiff would not seek or accept an award of greater than \$75,000 in this action, including attorney's fees, exclusive of interest and costs. This is consistent with Plaintiff's Original Petition filed in state court, in which Plaintiff stated that "damages are within the jurisdictional limits of the Court in that Plaintiff is seeking damages that are less than \$75,000." (D.E. 1-1 at 5-6.) Counsel for Plaintiff also made an oral motion to remand during the phone conference, which counsel for Defendant did not oppose.

Upon counsel's stipulation that Plaintiff will not request or accept recovery in excess of \$75,000.00 (exclusive of interest and costs), and pursuant to 28 U.S.C. §§ 1332 and 1447(c), the Court GRANTS Plaintiff's oral Motion to Remand and ORDERS that

this cause be REMANDED to the 148th Judicial District Court of Nueces County, Texas,  
where it was originally filed and assigned Cause No. 2010DCV-5992-E.

SIGNED and ORDERED this 7th day of January, 2011.

  
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Janis Graham Jack  
United States District Judge